

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

01 Case No. **0961** CR-LENARD
18 U.S.C. § 2422(b)

UNITED STATES OF AMERICA

MAGISTRATE JUDGE
TURNOFF

v.

JOSE MAYORGA

INDICTMENT

The Grand Jury charges that:

From in or about August, 2001, the exact date being unknown to the grand jury, through on or about October 10, 2001, in Miami-Dade County, in the Southern District of Florida, the defendant,

JOSE MAYORGA,

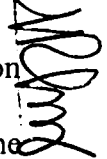
did knowingly use a facility and means of interstate and foreign commerce, that is, a computer through the Internet, to attempt to persuade, induce, entice, and coerce a person who had not attained the age of 18 years to engage in a sexual activity for which any person can be charged with a criminal offense; in violation of Title 18, United States Code, Section 2422(b).

A TRUE BILL

FOREPERSON


GUY A. LEWIS
UNITED STATES ATTORNEY


CRISTINA V. RUIZ TARAFÁ
ASSISTANT UNITED STATES ATTORNEY

FILED BY 
01 OCT 23 PM 2:55
CLARENCE J. DOXY
CLERK U.S. DIST. CT.
S.D. OF FL - MIAMI

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

01 CASE NO. 0961 CR-LENARD

v.

CERTIFICATE OF TRIAL ATTORNEY MAGISTRATE JUDGE
TURNOFF

JOSE MAYORGA

Superseding Case Information:

Court Division: (Select One)

☒ Miami ☐ Key West
☐ FTL ☐ WPB ☐ FTPNew Defendant(s) Yes ☐ No ☐
Number of New Defendants ☐
Total number of counts ☐

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) No
List language and/or dialect _____

- This case will take 2-3 days for the parties to try.

- Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<input checked="" type="checkbox"/>	Petty
II	6 to 10 days	<input type="checkbox"/>	Minor
III	11 to 20 days	<input type="checkbox"/>	Misdem.
IV	21 to 60 days	<input type="checkbox"/>	Felony
V	61 days and over	<input type="checkbox"/>	

- Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____ Case No. _____
(Attach copy of dispositive order)Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 01-3605-JJO

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of 10/11/01

Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes ☒ No ☐ If yes, was it pending in the Central Region? Yes ☐ No ☐

- Did this case originate in the Narcotics Section, Miami? Yes ☒ No ☐

412516
CRISTINA V. RUIZ TARIFA
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0029361

*Penalty Sheet(s) attached

REV.6/27/00

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

01 0961 CR-LENARD

Defendant Name: JOSE MAYORGA

Case No. _____

**MAGISTRATE JUDGE
TURNOFF**

Count #: I

18 USC 2422(b)/Enticing a Minor for Sexual Activity

*Max Penalty: 15 Years' Imprisonment

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

FILED BY
01 OCT 23 PM 2:55
CLARENCE H. JUDOX
CLERK U.S. DIST. CT.
S.D. OF FL. - MIAMI

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

MAGISTRATE JUDGE
TURNOFF

No. **01 0961 CR-LENARD**

UNITED STATES DISTRICT COURT

SOUTHERN District of FLORIDA

Division

THE UNITED STATES OF AMERICA

vs.

JOSE MAYORGA

INDICTMENT

In violation of 18 USC 2422(b)
18 USC 2253

A true bill.

FGJ 00-04 (MIA) Foreman

Filed in open court this day,

of Oct 23 2001 A.D.

MC Clerk

Bail, \$

GRAND JURY INDICTMENT NO. 0604-MCN-368

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

APPEARANCE BOND:

CASE NO.: 01-3605-550

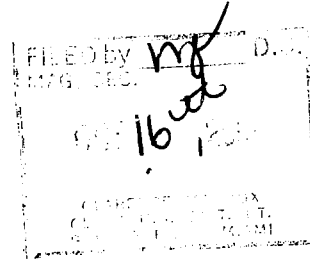
UNITED STATES OF AMERICA

Plaintiff,

v.

Defendant,

Rose Mayorga



I, the undersigned defendant and I or we, the undersigned sureties, jointly and severally acknowledge that we and our personal representatives, jointly and severally, are bound to pay the United States of America, the sum of \$ 100,000 PGB.

STANDARD CONDITIONS OF BOND

The conditions of this bond are that the defendant:

1. Shall appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of the defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment. This is a continuing bond, including any proceeding on appeal or review, which shall remain in full force and effect until such time as the court shall order otherwise.

2. May not at any time, for any reason whatever, leave the Southern District of Florida or other District to which the case may be removed or transferred after he or she has appeared in such District pursuant to the conditions of this bond, without first obtaining written permission from the court, except that a defendant ordered removed or transferred to another district may travel to that district as required for court appearances and trial preparation upon written notice to the Clerk of this court or the court to which the case has been removed or transferred. The Southern District of Florida consists of the following counties: **Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, and Highlands.**

3. May not change his or her present address as recorded on page 4 of this bond without prior permission in writing from the court.

4. Is required to appear in court at all times as required by notice given by the court or its clerk to the address on this bond or in open court or to the address as changed by permission from the court. The defendant is required to ascertain from the Clerk of Court or defense counsel the time and place of all scheduled proceedings on the case. In no event may a defendant assume that his or her case has been dismissed unless the court has entered an order of dismissal.

5. Shall not commit any act in violation of state or federal laws.

DEFENDANT: Jose Mayoral
CASE NUMBER: 01-3605-350
PAGE TWO

SPECIAL CONDITIONS OF BOND

In addition to compliance with the previously stated conditions of bond, the defendant must comply with the special conditions checked below:

- ☒ a. Surrender all passports and travel documents, if any, to the Pretrial Services Office and not obtain any travel documents during the pendency of the case;
- ☒ b. Report to Pretrial Services as follows: (☒) as directed or _____ times in person and _____ times by telephone;
- ☐ c. Submit to substance abuse testing and/or treatment as directed by Pretrial Services;
- ☐ d. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802), without a prescription by a licensed medical practitioner;
- ☐ e. Participate in mental health assessment and/or treatment;
- ☐ f. Participate and undergo a sex offense specific evaluation and treatment;
- ☒ g. Maintain or actively seek full-time employment;
- ☐ h. Maintain or begin an educational program;
- ☐ i. Avoid all contact with victims of or witnesses to the crimes charged, except through counsel;
- ☐ j. Refrain from possessing a firearm, destructive device or other dangerous weapons;
- ☐ k. None of the signatories may sell, pledge, mortgage, hypothecate, encumber, etc., any property they own, real or personal, until the bond is discharged, or otherwise modified by the Court;
- ☐ l. May not visit commercial transportation establishment: *airports, seaport/marinas, commercial bus terminals, train stations, etc.;*
- ☐ m. No access to the internet via any type of connectivity device (i.e. computers, pda's, cellular phones, tv's), and follow instructions as outlined in the attached agreement waiver provided to you by Pretrial Services;
- ☐ n. **HOME CONFINEMENT PROGRAM** The defendant shall participate in one of the following home confinement program components and abide by all the requirements of the program which () will not or () will include electronic monitoring or other location verification system, paid for by the defendant based upon his/her ability to pay () or paid for by Pretrial Services ().
- Curfew: You are restricted to your residence every day from 9:00 p.m. to 5:00 a.m. or as directed by the Court.
- Home Detention: You are restricted to your residence at all times except for: () medical needs or treatment, () court appearances, () attorney visits or court ordered obligations, and () other _____.

- ☐ o. **HALFWAY HOUSE PLACEMENT** The defendant shall reside at a halfway house or community corrections center and abide by all the rules and regulations of the program.
- You are restricted to the halfway house at all times except for: () employment; () education; () religious services; () medical, substance abuse, or mental health treatment; () attorney visits; () court appearances; () court ordered obligations; () reporting to Pretrial Services; and () other _____.

- ☐ p. May travel to and from: _____, and must notify Pretrial Services of travel plans before leaving and upon return.
- ☐ q. Comply with the following additional conditions of bond:
may only travel between Dade & Broward counties. may not use computer.
mother must co-sign by 5:00 p.m. 10/17/01. may not go within 1000 feet
of a school. may not be in the company of children of 8-18 years of
age; mother and/or wife must report any violations of bond conditions.

DEFENDANT: Jose Mayorga
CASE NUMBER: 01-3605-JJO
PAGE THREE

PENALTIES AND SANCTIONS APPLICABLE TO DEFENDANT

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. § 3148, forfeiture of any bail posted, and a prosecution for contempt as provided in 18 U.S.C. § 401, which could result in a possible term of imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

Title 18 U.S.C. § 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. § 1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. § 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. § 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten to do so.

It is a criminal offense under 18 U.S.C. § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted, which means that the defendant will be obligated to pay the full amount of the bond, which may be enforced by all applicable laws of the United States.

DEFENDANT: Jose Mayorga
CASE NUMBER: 01-3605-JJO
PAGE FOUR

PENALTIES AND SANCTIONS APPLICABLE TO SURETIES

Violation by the defendant of any of the foregoing conditions of release will result in an immediate obligation by the surety or sureties to pay the full amount of the bond. Forfeiture of the bond for any breach of one or more conditions may be declared by a judicial officer of any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each surety jointly and severally for the amount of the bond, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States.

SIGNATURES

I have carefully read and I understand this entire appearance bond consisting of four pages, or it as been read to me, and, if necessary, translated into my native language, and I know that I am obligated by law to comply with all of the terms of this bond. I promise to obey all conditions of this bond, to appear in court as required, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions outlined in this bond for violations of the terms of the bond.

If I am an agent acting for or on behalf of a corporate surety, I further represent that I am a duly authorized agent for the corporate surety and have full power to execute this bond in the amount stated.

DEFENDANT

Signed this 15 day of October, 2001, at miami, Florida.
Signed and acknowledged before me:
WITNESS: APB, AFS
ADDRESS: 150 W. Taylor St #1700
miami, FL ZIP 33130
DEFENDANT: (Signature) Jose Mayorga
ADDRESS: 10980 NW 28th St
ZIP 33322
TELEPHONE: (954) 748-8652

CORPORATE SURETY

Signed this _____ day of _____, 20____, at _____, Florida.
SURETY: _____
ADDRESS: _____
ZIP _____
AGENT: (Signature) _____
PRINT NAME: _____
TELEPHONE: _____

INDIVIDUAL SURETIES

Signed this _____ day of _____, 20____, at _____, Florida.
SURETY: (Signature) [Signature]
PRINT NAME: Emilio J Nieto
RELATIONSHIP TO
DEFENDANT: Brother
ADDRESS: 2823 NW 108 Ave
Surprise ZIP 33322
TELEPHONE: (954) 748-1413
SIGNED this _____ day of _____, 20____, at _____, Florida.
SURETY: (Signature) [Signature]
PRINT NAME: Renia Mayorga
RELATIONSHIP TO
DEFENDANT: Wife
ADDRESS: 10980 NW 28th St
Surprise FL ZIP 33322
TELEPHONE: (954) 748-8652

APPROVAL BY COURT

Date: 10/16/01

[Signature]
UNITED STATES MAGISTRATE JUDGE

DEFENDANT: _____
CASE NUMBER: _____
PAGE FOUR

PENALTIES AND SANCTIONS APPLICABLE TO SURETIES

Violation by the defendant of any of the foregoing conditions of release will result in an immediate obligation by the surety or sureties to pay the full amount of the bond. Forfeiture of the bond for any breach of one or more conditions may be declared by a judicial officer of any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each surety jointly and severally for the amount of the bond, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States.

SIGNATURES

I have carefully read and I understand this entire appearance bond consisting of four pages, or it as been read to me, and, if necessary, translated into my native language, and I know that I am obligated by law to comply with all of the terms of this bond. I promise to obey all conditions of this bond, to appear in court as required, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions outlined in this bond for violations of the terms of the bond.

If I am an agent acting for or on behalf of a corporate surety, I further represent that I am a duly authorized agent for the corporate surety and have full power to execute this bond in the amount stated.

DEFENDANT

Signed this 15 day of October, 2001, at Miami, Florida.
Signed and acknowledged before me.
WITNESS: [Signature]
ADDRESS: 150 W. 1st St.
1700 Miami +1 ZIP 33130
DEFENDANT: (Signature) [Signature]
ADDRESS: 12980 NW 28th St
ZIP 33322
TELEPHONE: (305) 748-8652

CORPORATE SURETY

Signed this _____ day of _____, 20____, at _____, Florida.
SURETY: _____
ADDRESS: _____
ZIP _____
AGENT: (Signature) _____
PRINT NAME: _____
TELEPHONE: _____

INDIVIDUAL SURETIES

Signed this 16th day of Oct., 2001, at Miami Florida.
SURETY: (Signature) [Signature]
PRINT NAME: MARIA L. BROWN
RELATIONSHIP TO
DEFENDANT: Mother
ADDRESS: 10980 NW 28th St.
Sunrise FL ZIP 33322
TELEPHONE: 454-748-8652
Signed this _____ day of _____, 20____, at _____, Florida.
SURETY: (Signature) _____
PRINT NAME: _____
RELATIONSHIP TO
DEFENDANT: _____
ADDRESS: _____
ZIP _____
TELEPHONE: _____

APPROVAL BY COURT

Date: 10/16/01

[Signature]
UNITED STATES MAGISTRATE JUDGE

kbnd.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDAUNITED STATES OF AMERICA
Plaintiff,

v.

#

APPEARANCE BOND: _____

CASE NO.: 01-3605-JJO

Defendant,

Jose Mayorga

I, the undersigned defendant and I or we, the undersigned sureties jointly and severally acknowledge that we and our personal representatives, jointly and severally, are bound to pay to the United States of America, the sum of

\$ 20,000 @ 10%
~~100,000~~STANDARD CONDITIONS OF BOND

The conditions of this bond are that the defendant:

1. Shall appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of the defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment. This is a continuing bond, including any proceeding on appeal or review, which shall remain in full force and effect until such time as the court shall order otherwise.

2. May not at any time, for any reason whatever, leave the Southern District of Florida or other District to which the case may be removed or transferred after he or she has appeared in such District pursuant to the conditions of this bond, without first obtaining written permission from the court, except that a defendant ordered removed or transferred to another district may travel to that district as required for court appearances and trial preparation upon written notice to the Clerk of this court or the court to which the case has been removed or transferred. The Southern District of Florida consists of the following counties: Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, and Highlands.

3. May not change his or her present address as recorded on this bond without prior permission in writing from the court. The defendant's present address is:

10980 N.W. 28 St.
Southeast, FL 33322

4. Is required to appear in court at all times as required by notice given by the court or its clerk to the address on this bond or in open court or to the address as changed by permission from the court. The defendant is required to ascertain from the Clerk of Court or defense counsel the time and place of all scheduled proceedings on the case. In no event may a defendant assume that his or her case has been dismissed unless the court has entered an order of dismissal.

5. Shall not commit any act in violation of state or federal laws

DISTRIBUTION: Defendant, Assistant U.S. Attorney, Counsel, Marshal, Pretrial Services

[Handwritten signature]

DEFENDANT: Jose Mayorga
CASE NO: 01-3605-JFO

SPECIAL CONDITIONS OF BOND

In addition to compliance with the previously stated conditions of bond, the defendant must comply with those special conditions checked below:

- ☒ a. Surrender all passports and travel documents to the Pretrial Services Office of the Court.
- ☐ b. Report to Pretrial Services as follows: as directed
- ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ☒ d. Maintain or actively seek full-time gainful employment. no use of computer, mother and/or wife
- ☐ e. Maintain or begin an educational program. not report bond condition violations.
- ☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
- ☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon. wife w between 9:00pm
- ☒ h. Comply with the following curfew: 9pm - 5am - 5:00 a.m.
- ☐ i. No co-signatories may sell, mortgage, hypothecate or dispose of real property during pendency of this case.
- ☒ j. Comply with the following additional conditions of this bond: mother not co-sign by 5:00 p.m. 10/17/01.
no travel outside Dade & Broward County, do not go
w/in 1000 ft of a school, do not be in the company of

PENALTIES AND SANCTIONS APPLICABLE TO DEFENDANT children 8-18

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. 3148, forfeiture of any bail posted, and a prosecution for contempt as provided in 18 U.S.C. 401 which could result in a possible term of imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

Title 18 U.S.C. 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. 1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten to do so.

It is a criminal offense under 18 U.S.C. 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was release in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted, which means that the defendant will be obligated to pay the full amount of the bond, which may be enforced by all applicable laws of the United States.

DEFENDANT: Jose Mayorga
CASE NO: 01-3605-JSO

PENALTIES AND SANCTIONS APPLICABLE TO SURETIES

Violation by the defendant of any of the foregoing conditions of release will result in an immediate obligation by the surety or sureties to pay the full amount of the bond. Forfeiture of the bond for any breach of one or more conditions may be declared by a judicial officer of any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the bond is forfeited and the forfeiture is not set aside or remitted, judgement may be entered upon motion in such United States District Court against each surety jointly and severally for the amount of the bond, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States.

SIGNATURES

I have carefully read and I understand this entire appearance bond consisting of three (3) pages, or it has been read to me, and, if necessary, translated into my native language, and I know that I am obligated by law to comply with all of the terms of this bond. I promise to obey all conditions of this bond, to appear in court as required, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions outlined in this bond for violations of the terms of the bond.

If I am an agent acting for or on behalf of a corporate surety, I further represent that I am a duly authorized agent for the corporate surety and have full power to execute this bond in the amount stated.

Signed this 11 day of October, 2000, at MIAMI, Florida.
Signed and acknowledged before me: Jose Mayorga
DEFENDANT: (Signature)
WITNESS: _____
ADDRESS: 10980 NW 28 St
Surprise FL ZIP 33322

ZIP _____
TELEPHONE: 954-748-8652

CORPORATE SURETY

Signed this _____ day of _____, 2000, at _____, Florida.
SURETY: _____
AGENT: (Signature) _____
ADDRESS: _____
PRINT NAME: _____

ZIP _____
TELEPHONE: _____

INDIVIDUAL SURETIES

Signed this 15 day of October, 2000, at MIAMI
SURETY: (Signature) Erenia Mayorga
PRINT NAME: Emilio J. Ponce
RELATIONSHIP
TO DEFENDANT: Brother
ADDRESS: 2823 NW 108 AVE
Surprise FL ZIP 33322
TELEPHONE: (954) 748-1413

SURETY: (Signature) Erenia Mayorga
PRINT NAME: Erenia Mayorga
RELATIONSHIP
TO DEFENDANT: Wife
ADDRESS: 10980 NW 28 St
Surprise FL ZIP 33322
TELEPHONE: (954) 748-8652

APPROVAL BY COURT

Date: 10/15/01

[Signature]
UNITED STATES MAGISTRATE JUDGE

DISTRIBUTION: Defendant, Assistant U.S. Attorney, Counsel, Marshal, Pretrial Services

DEFENDANT: Jose Mayorga
CASE NUMBER: 01-3605-JJO
PAGE FOUR

PENALTIES AND SANCTIONS APPLICABLE TO SURETIES

Violation by the defendant of any of the foregoing conditions of release will result in an immediate obligation by the surety or sureties to pay the full amount of the bond. Forfeiture of the bond for any breach of one or more conditions may be declared by a judicial officer of any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each surety jointly and severally for the amount of the bond, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States.

SIGNATURES

I have carefully read and I understand this entire appearance bond consisting of four pages, or it as been read to me, and, if necessary, translated into my native language, and I know that I am obligated by law to comply with all of the terms of this bond. I promise to obey all conditions of this bond, to appear in court as required, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions outlined in this bond for violations of the terms of the bond.

If I am an agent acting for or on behalf of a corporate surety, I further represent that I am a duly authorized agent for the corporate surety and have full power to execute this bond in the amount stated.

DEFENDANT

Signed this 15 day of October, 2001, at miami, Florida.
Signed and acknowledged before me
WITNESS: [Signature]
ADDRESS: 150 W. 28th St. #1700 ZIP 33130
miami, Fla.
DEFENDANT: (Signature) [Signature]
ADDRESS: 10980 NW 28th St ZIP 33322
TELEPHONE: (954) 748-8652

CORPORATE SURETY

Signed this _____ day of _____, 20____, at _____, Florida.
SURETY: _____
ADDRESS: _____

ZIP _____
AGENT: (Signature) _____
PRINT NAME: _____
TELEPHONE: _____

INDIVIDUAL SURETIES

Signed this 16th day of Oct., 2001, at Miami, Florida.
SURETY: (Signature) [Signature]
PRINT NAME: MARIAL L. BRIONES
RELATIONSHIP TO
DEFENDANT: Mother
ADDRESS: 10980 NW 28th St.
SUNRISE FL ZIP 33322
TELEPHONE: (954) 748-8652
Signed this _____ day of _____, 20____, at _____, Florida.
SURETY: (Signature) _____
PRINT NAME: _____
RELATIONSHIP TO
DEFENDANT: _____
ADDRESS: _____

ZIP _____
TELEPHONE: _____

APPROVAL BY COURT

Date: 10/16/01

[Signature]
UNITED STATES MAGISTRATE JUDGE

AO82
(Rev. 4/90)

ORIGINAL

227960

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDAat Miami

RECEIVED FROM

JiHOVANA Mayorga
4265 NW 18 St #104
Miami, FL 33124
USA vs Jose Mayorga

Fund SS# 540-54-3906

6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution to U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Civil Filing Fee (1/2)
510100	Registry Fee

ACCOUNT	AMOUNT
	<u>2,000.00</u>
TOTAL	<u>2,000.00</u>
Case Number or Other Reference	
<u>01-3605-MG-JTC</u>	

APPEARANCE
Bond To be
Invested

§ Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DATE	Cash	Check	M.O.	Credit	DEPUTY CLERK
<u>10/16 2001</u>		<input checked="" type="checkbox"/>			<u>Jerry Hamilton</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 01-3605-O'SULLIVAN

CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

NIGHT BOX
FILED

OCT 12 2001

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MAYORGA,

Defendant.

**DEFENDANT'S INVOCATION OF
RIGHT TO SILENCE AND COUNSEL**

The defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to, matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures, or that may be relevant to sentencing, enhanced punishments, factors applicable under the U. S. Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction, appeals or other post-trial proceedings.

The defendant requests that the U. S. Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or employees associated with the investigation of any matters relating to the defendant.

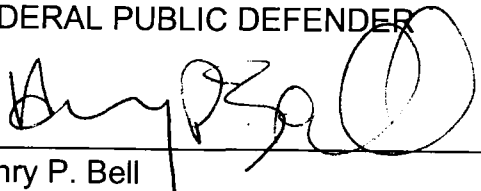
[Handwritten signature]

Any contact with the defendant must be made through the defendant's lawyer, undersigned counsel.

Respectfully submitted,

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

BY:



Henry P. Bell
Assistant Federal Public Defender
Florida Bar No. 090689
150 West Flagler Street, Suite 1700
Miami, Florida 33130-1555
Tel: 305-530-7000/ Fax: 305-536-4559

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been served via U.S. Mail upon the United States Attorney's Office, 99 N. E. 4th Street, Miami, Florida 33132-2111, this 17 day of October, 2001.



Henry P. Bell

koia.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 01-3605-JSO

UNITED STATES OF AMERICA

ORDER ON INITIAL APPEARANCE

Plaintiff,

Language ENGLISHTape No. 01A-94-3519/100-2089AUSA E. AlarayaAgent USSS-T. DEVINE

v.

JOSE LUIS MAYORGA

Defendant.

DOB: 11-19-77

Reg# 67862-004

The above-named defendant having been arrested on 10-10-01 having appeared before the court for initial appearance on 10-11-01 and proceedings having been held in accordance with **F.R.C.P. 5 or 40(a)**, it is thereupon

ORDERED as follows:

1. _____ appeared as permanent/temporary counsel of record.

Address: _____

Zip Code: _____

Telephone: _____

2. FPD appointed as permanent counsel of record.

Address: _____

Zip Code: _____

Telephone: _____

3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on _____, 2001.

4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 10/25, 2001.

5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because _____

A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am, 2001.

6. The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

Bd set \$20,000 1090 & \$100,000 PSB Co-Signed by
Wife, Mother, brother - Mother has until 10/12/01 5PM to Sign bond.

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

☒ a. Surrender all passports and travel document to the Pretrial Services Office.☒ b. Report to Pretrial Services as follows: _____ times a week by phone, _____ time a week in person;other: as directed

c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.

☒ d. Maintain or actively seek full time gainful employment.☒ Travel Restricted to Broward & Dade County.☒ Reside at 10980 S.W., Ft. Lauderdale.

3/28

JOSE LUIS MAYORGA

- ☐ e. Maintain or begin an educational program.
☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
☒ h. Comply with the following curfew: 9 PM to 5 AM
☐ i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
☒ j. Comply with the following additional special conditions of this bond:

No Computer in home. Not permitted w/in 1000 feet of any
School Ground any minors ages 8-18.

This bond was set: At Arrest ☐

On Warrant ☐

After Hearing ☒

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

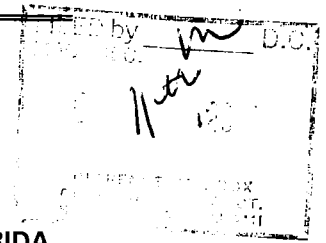
7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 11th day of OCTOBER
2001 .


UNITED STATES MAGISTRATE JUDGE
JOHN J. O'SULLIVAN

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation

United States District Court



SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

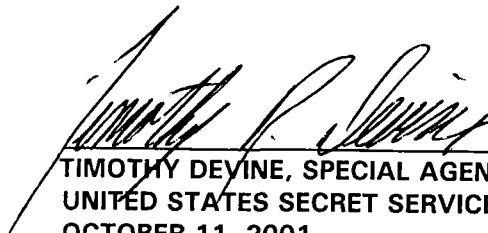
JOSE MAYORGA

CASE NUMBER: 01-3605-JJO

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From on or about August, 2001, through October 10, 2001, in Miami-Dade County, in the Southern District of Florida, the defendant used the mail or any facility or means of interstate or foreign commerce of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in a sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT


TIMOTHY DEVINE, SPECIAL AGENT
UNITED STATES SECRET SERVICE
OCTOBER 11, 2001

Sworn to before me, and subscribed in my presence,

OCTOBER 11, 2001

Date

at Miami, Florida

City and State

JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Timothy R. Devine, being first duly sworn upon oath, do hereby depose and state as follows:

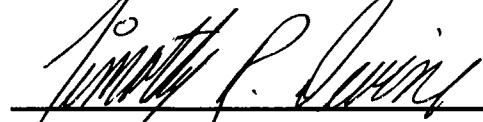
1. I am a Special Agent of the United States Secret Service (USSS) and have been so employed since April of 1999. I am currently assigned to the Miami Field Office of the USSS. My duties include the investigation of access device fraud, computer fraud violations, and other criminal matters. I submit this affidavit based upon information known to me personally from investigation, as well as information obtained from others who have investigated this matter and/or have personal knowledge of the facts herein.
2. This investigation is part of an undercover operation that was initiated by the Electronic Crimes of Violence Task Force (Task Force). I have participated in this investigation, spoken with other law enforcement agents, and have reviewed documents and transcripts of Internet communications related to this investigation. Because this affidavit is being submitted for a limited purpose of establishing probable cause, I have not included every aspect, fact, or detail of this investigation.
3. I know from my training and experience that "Yahoo Internet Relay Chat" ("Yahoo Chat") is a computer program that permits individuals with access to the Internet to electronically communicate with each other in real time ("chats"). Users of this program choose names with which to identify themselves ("nicknames" or "screen names") during communications with other users.
4. In August of 2001, a member of the Task Force was signed onto "Yahoo Chat" on a computer at the United States Secret Service, Miami Field Office, using the female undercover name "Hialeahnina13." This member became engaged in conversation with an individual with the username "Joeluiuzus." These chats continued via "Yahoo Chat" and/or e-mail from August 30, 2001, to October 10th, 2001. "Joeluiuzus" utilized the e-mail account "Joeluiuzus@Yahoo.com" and sent email messages to the "Hialeahnina13" undercover account "Hialeahnina13@Yahoo.com." Each of the e-mails sent from "Joeluiuzus@Yahoo.com" identified the sender as JOSE MAYORGA.

5. On October 8, 2001, I was signed onto "Yahoo Chat" on a computer at the United States Secret Service, Miami Field Office, using the female undercover name "Hialeahnina13." I entered "Yahoo Chat" and was contacted via private message by the individual identifying himself as "Joeluizus." "Joeluizus", who identified himself as a 23-year-old male, acknowledged he knew "Hialeahnina13" was a 13-year-old female. "Joeluizus" asked "Hialeahnina13" if she would engage in sexual activity with him and then asked where and when they could meet to engage in sexual activity.
6. On October 9th, 2001, agents of the United States Secret Service, utilizing the undercover e-mail account "Hialeahnina13@Yahoo.com," arranged to meet "Joeluizus" on October 10th, 2001, at 10:00 P.M., in the back parking area of the Publix Supermarket, located at the corner of N.W. 107th Avenue and 58th Street, Miami. Agents of this service advised "Joeluizus" that "Hialeahnina13" would be wearing jeans and white t-shirt.
7. On October 10th, 2001, at 9:55 P.M., Agents of this service instituted surveillance of the Publix Supermarket, located at the corner of N.W. 107th Avenue and 58th Street, Miami. Agents observed a red Camaro driving in the back parking area and then exit the back parking area of the Publix Supermarket. At 10:00 P.M., an undercover agent posing as "Hialeahnina13," positioned herself in the parking area behind the Publix shopping center. At 10:05 P.M., agents of this service observed the red Camaro enter the back parking area of the Publix Supermarket, slow down in the area where the undercover agent was positioned, and then exit the back parking area. At 10:07 P.M., the red Camaro entered the back parking area of the Publix Supermarket and approached the undercover agent posing as "Hialeahnina13." Agents approached the driver and identified themselves. The driver identified himself as JOSE MAYORGA and was detained by agents of this service.
8. The subject, identified as JOSE MAYORGA, of 10980 N.W. 28TH Street, Sunrise, FL., was advised of his Miranda rights, which he waived verbally. Mayorga stated he uses the username "Joeluizus" for Yahoo Internet Relay Chat. Mayorga stated on October 8th, 2001, he was engaged in Yahoo Internet Relay Chat with "Hialeahnina13" via private chat and believed she was a 13-year-old female. Mayorga stated he initiated a sexual conversation with "Hialeahnina13". Mayorga stated he traveled to the Publix

Supermarket with the intention of transporting "Hialeahna13" to her house and engaging in sexual activity.

9. Consensual sexual activity between a 23 year old individual and a 13 year old individual is a criminal offense under Florida Criminal Statute, Section 800.04. I submit that there is probable cause to believe that JOSE MAYORGA violated 18 United States Code, Section 2422(b), using the mail or any facility or means of interstate or foreign commerce of the United States to persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

AFFIANT SAYETH NAUGHT



SPECIAL AGENT TIMOTHY DEVINE
UNITED STATES SECRET SERVICE

SWORN TO BEFORE ME THIS 11th DAY OCTOBER, 2001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 01-3405-JJU

UNITED STATES OF AMERICA

vs.

JOSE MAYORGA
_____ /

CRIMINAL COVER SHEET

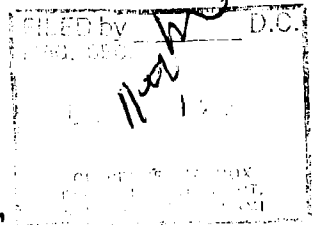
1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? ____ Yes X No
2. Did this case originate from a matter pending in the Central Region of the United States Attorney's Office prior to April 1, 1999? ____ Yes X No

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY: _____

CRISTINA V. RUIZ TARAF
CRISTINA V. RUIZ TARAF
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0029361
99 N. E. 4th Street
Miami, Florida 33132-2111
TEL (305) 961-9337
FAX (305) 530-7976



UNITED STATES DISTRICT COURT
Southern District of Florida

UNITED STATES OF AMERICA
Plaintiff

-vs-

JOSE LUIS MAYORGA
Defendant

Case Number: CR 01-3605-JJO

REPORT COMMENCING CRIMINAL
ACTION

61862-004

TO: Clerk's Office MIAMI FT. LAUDERDALE W. PALM BEACH
U.S. District Court (circle one)

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN
MAGISTRATES COURT ABOVE

All items are to be completed. Information not applicable or
unknown will be indicated "N/A".

- (1) Date and Time of Arrest: 10-10-01 11:00 AM
- (2) Language Spoken: English
- (3) Offense(s) Charged: 18 USC 2422 - Enticing A minor for purpose
of sexual activity.
- (4) U.S. Citizen ☒ Yes [] No [] Unknown
- (5) Date of Birth: 11-19-77
- (6) Type of Charging Document: (Check one)
[] Indictment ☒ Complaint To be filed/Already filed
Case # _____
[] Bench Warrant for Failure to Appear
[] Probation Violation Warrant
[] Parole Violation Warrant

Originating District: _____

COPY OF WARRANT LEFT WITH BOOKING OFFICER [] YES [] NO

Amount of Bond: \$ _____

Who set Bond: _____

(7) Remarks: _____

(8) Date: 10-10-01 (9) Arresting Officer: T. Devine

(10) Agency: USSS (11) Phone: 305-629-1851